

**U.S. Senate
Republican Policy
Committee**

Larry E. Craig, Chairman
Jade West, Staff Director

No. 20A (Update)

Legislative Notice

Editor, Judy Gorman Prinkey

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S. 936 – The FY 1998 Defense Authorization Act

Calendar No. 88

Update . . . Update . . . Update

Reported from the Committee on Armed Services on June 18, 1997, as an original bill.

NOTEWORTHY

- By U.C. entered into on June 27, 1997, the Senate will return to consideration of S. 936, the FY 1998 DoD Authorization Act on Monday, July 7, 1997. In addition, a cloture motion was filed on June 27 and under that order, a cloture vote will occur at 2:15 p.m. on Tuesday, July 8. The Senate began debate on S. 936 on Thursday, June 19, 1997, and set the bill aside on Monday, June 23, 1997, to begin consideration of S. 947, the Balanced Budget Act of 1997.
- The Senate attempted to turn to S. 924, the bill originally reported from the Armed Services Committee on June 17, 1997, but an objection was raised because of depot maintenance language (Sections 311, 312, and 313) contained in the bill. The Committee met subsequently and reported out a new bill, S. 936, which **excludes** the original Committee-reported language on depot maintenance. This is the only change from the original bill, S. 924, S. Rpt. 105-29. The depot maintenance language is now contained in a pending Inhofe amendment.
- Currently, three amendments are pending to the bill:
 - Cochran/Durbin: A first degree amendment to require a license to export high performance computers to countries such as China and Russia (Amdt. #420, Cong. Rec., 6/19/97, p. S5991);
 - Grams: A second degree amendment, in the nature of a substitute, to the Cochran amendment, to require a study of potential risks relating to the sale of certain computers (Amdt. #422, Cong. Rec., 6/20/97, p. S6022); and,
 - Inhofe: A first degree amendment reinstating the Committee-approved depot maintenance language (Amdt. #423, Cong. Rec., 6/20/97, p. S6026).
- In addition, two amendments were submitted and are intended to be offered to S. 936: one by Senator Inouye and one from Senators Gorton and Murray.

BACKGROUND

On June 17, 1997, an attempt was made to bring up S. 924, the FY 1998 Defense Authorization Act, but an objection was raised because of depot maintenance language (Sections 311, 312, and 313) contained in the bill. The Senate Armed Services Committee met subsequently and reported out a new bill, S. 936, which **deleted** the original Committee-reported language on depot maintenance. This is the only change to the original bill, S. 924, S. Rpt. 105-29. The depot maintenance language is now contained in a pending Inhofe amendment.

The Senate began consideration of S. 936 on Thursday, June 19, 1997. One amendment was agreed to — a second degree amendment by Sen. Bob Smith to a first degree amendment, offered by Sen. Lautenberg — regarding the formerly used site remediation plan. In addition, there was a roll call vote on a Feinstein amendment to criminalize, under Federal laws, the willful disclosure of technology and other information that would enable an individual to make or manufacture a bomb. This amendment passed by a roll call vote of 94-0.

Currently, three amendments are pending:

- Cochran/Durbin: A first degree amendment to require a license to export high performance computers to countries such as China and Russia;
- Grams: A second degree amendment, in the nature of a substitute to the Cochran amendment, to require a GAO study of national security risks relating to the sale of certain computers;
- Inhofe: A first degree amendment reinstating the Committee-approved depot maintenance language. On June 20, 1997, a U.C. agreement was reached providing that during further consideration of the bill, a call for the regular order with respect to the Inhofe/Coverdell amendment will only be in order after the concurrence of the Chairman and Ranking Member of the Committee on Armed Services and the Senators from Georgia, Utah, Oklahoma, California and Texas.

In addition, two amendments were submitted to S. 936:

- Gorton/Murray: An amendment regarding the selection process for the donation of the U.S.S. *Missouri* (Cong. Rec., 6/20/97, p. S6046).
- Inouye: An amendment regarding defense environmental restoration of the Indian lands program (Cong. Rec., 6/19/97, p. S6006).

COST

In accordance with Section 252 of the Legislative Reorganization Act of 1970 (P.L. 91-510), the chart below provides an estimate of how appropriations attendant to the FY 1998 Authorization Request will expend.

Estimated Expenditures
(\$ in millions)

FY 1998 Request:	\$182,639
FY 1998	99,607
FY 1999	46,916
FY 2000	18,693
FY 2001	8,362
FY 2002	4,008
Beyond	5,053

OTHER VIEWS

Sen. McCain

While the Senator believes the Committee has produced a very good defense bill, he highlights several concerns, notably that: the process by which the Services' unfunded priority lists are being politicized; the quality of analysis supporting decisions by the Administration on major weapons systems is questionable, particularly regarding the acquisition of surface ships and submarines; politics prevailed and prevented the Committee from approving additional base closure rounds; National Guard and reserve force plus-ups are Members' pork and are not even required by the reserve components; and the increasing practice by the GAO of prioritizing self-generated audits and reports over those requested by Members of Congress. Senator McCain, however, was pleased by the Committee's adoption of an amendment prohibiting the expenditure of any defense dollars for additional B-2 bombers or to preserve the B-2 industrial base, and the adoption of an amendment that enhances aviation special pay to retain skilled pilots necessary to operate the technically advanced aircraft of the future. (pp. 447-453)

Sen. Inhofe

The Senator points out that while DoD pledged to make the so-called public/private competitions [for depot maintenance workload] fair, GAO has identified specific aspects of the competitions which seem to guarantee that work will go to private bidders. As Chairman of the

Readiness Subcommittee, he is concerned with ensuring the greatest possible levels of readiness and cost savings in the remaining public depots. As a result, and with strong bipartisan support on the Committee, the FY98 DoD Authorization markup includes provisions that will correct the excess capacity issue by requiring the remaining depots to be at a reasonable level of capacity prior to privatizing in-place workloads the BRAC (Base Relignment and Closure Commission) intended to transfer to other locations. (pp. 454-455)

Sen. Levin

There are several critical areas where the bill needs to be improved, according to the Senator, and he pledges to work to make these improvements during the floor debate in the Senate and in conference. These include: the Committee's failure to agree on a process for future base closures; the provision in the Committee bill dealing with the workload of the two Air Force maintenance depots closed by the 1995 Base Closure Commission; cuts to the Cooperative Threat Reduction (CTR) program; providing the Secretary of Defense with the authority to unilaterally suspend administrative actions of other federal agencies; and prohibiting the GAO from undertaking any self-initiated audits unless it can certify that it has completed all Congressional requests. (pp. 456-461)

Sen. Kennedy

The Senator supports this bill, but points out what he believes is a glaring defect — the bill irresponsibly reduces funding for the Nunn-Lugar CTR Program and related Department of Energy programs. (p. 462)

Sen. Bingaman

Senator Bingaman critiques this year's defense bill because he believes it reflects the continued unwillingness of the Senate to move beyond the Cold War. He points out, for example, the inclusion of a number of provisions to spend tens of millions of dollars on items for which the Defense Department has no requirement while the bill simultaneously cuts funds for programs which have tremendous importance to our national security. According to the Senator, the Committee has chosen to fund programs for which no requirement exists, to neglect fully funding programs for which current military requirements are not being met, and to cut funding for programs such as CTR which are dedicated to meeting our highest priority security needs. He regrets those choices by the Committee and intends to raise these issues when the Senate considers the bill. (pp. 463-465)

Sen. Glenn

While he supports the bill overall, he identifies a number of issues of concern, including: language preventing the GAO from conducting any self-initiated audits until all other outstanding Congressional requests have been completed; inclusion of five land conveyance provisions, all of which the Senator finds objectionable; increasing the budget for the space based laser by \$118 million; the Committee's action to increase the National Missile Defense program by \$474 million without even first requiring a detailed explanation of how these funds would be spent; and, the Committee's agreeing to the DoD's request to cut end strength further. On the GAO issue, the Senator states he will do all he can to strike this provision from the bill on the Senate floor. (pp. 466-468)

Sen. Cleland

The Senator supports most of the provisions in this bill, but is deeply concerned about the 25 percent reduction in Engineering and Manufacturing Development (EMD) funding for the F-22. This bill contains no incentive to restore costs, and the Senator points out that he has proposed authorizing the necessary funds to proceed with the program, while making such an authorization contingent on certain requirements aimed at bringing the program under control. He promises to continue to advocate such an approach for the F-22, and hopes the Congress will ultimately make the right decision on this matter. (pp. 469-470)

ADMINISTRATION POSITION

Below is an excerpt from the Statement of Administration Policy on S. 936, dated June 19, 1997.

"The Administration supports prompt congressional consideration of its national defense authorization legislative proposal for FY 1998. As reported by the Committee on Armed Services, however, S. 936 raises serious budget, policy, constitutional, and management concerns.

Of particular concern, S. 936 would: (1) contrary to the Bipartisan Budget Agreement, reallocate funds from the Department of Energy's (DOE) 1998 defense discretionary budget request to Department of Defense (DOD) program; and (2) unconstitutionally infringe upon the President's authority to protect national security information. The President's senior advisers would recommend that he veto a final conference bill that fails to address these concerns. In addition, (1) if an amendment is adopted that would revise the 1995 Defense Base Realignment and Closure Commission's recommendations pertaining to Air Force Depot maintenance facilities, or (2) if any amendment is adopted that would mandate a date certain for withdrawal of U.S. forces from Bosnia, the President's senior advisers would also recommend that he veto that bill."

POSSIBLE AMENDMENTS

Boxer/Grassley/Harkin. To limit the compensation defense contractor executives can bill to taxpayers for their work on military programs.

Feingold. On tactical fighters.

Sens. Glenn/Thompson. To strike section 1040, relating to the completion of GAO reports.

Sen. Gorton. To require the Navy to reopen the selection process for donation of the U.S.S. *Missouri* battleship to a willing community, and to treat all applicants fairly.

Sen. Inouye. Regarding defense environmental restoration of the Indian lands program.

Sen. Levin. Regarding federal prison industries.

Sen. Murkowski. To direct the Secretary of Defense to study whether safe alternatives to the current chemical weapons disposal program are possible at reduced costs.

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